

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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ROBERT TRENT JONES II, INC., and)	No. 07-4913 SC
ROBERT TRENT JONES LICENSING GROUP,)	
LLC,)	
Plaintiffs,)	ORDER DENYING
)	PLAINTIFFS' MOTION
v.)	FOR LEAVE TO FILE AND
)	<u>RESETTING TRIAL</u>
GFSI, INC., d/b/a GEAR FOR SPORTS,)	
INC.,)	
)	
Defendant.)	
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)	

Plaintiffs Robert Trent Jones II, Inc. and Robert Trent Jones Licensing Group, LLC ("Plaintiffs" or "RTJ2") moved the court to issue a preliminary injunction, which the court denied. See Docket No. 50. Plaintiffs now ask the court for leave to file a Motion for Reconsideration of the Order Denying Plaintiffs' Motion for Preliminary Injunction. Docket No. 51.

The motion for leave to file is DENIED. The case is reset for trial on Monday, June 9, 2008, at 9:30 a.m. The court's January 24, 2008, Status Conference Order is hereby amended, with the following schedule now in effect:

(1) All discovery shall have been completed and all depositions taken by April 10, 2008, (60) days before the date set for trial.

(2) The last hearing date for motions, to be noticed in accordance with Civil Local Rule 7-2, is April 25, 2008, at 10:00 a.m. Counsel should contact the courtroom deputy for an available date prior to noticing any motions for hearing.

1 (3) All counsel shall meet prior to the pretrial conference
2 to discuss the preparation of a joint pretrial statement and
3 possible settlement of the action. Within one week thereafter, all
4 counsel shall sign and file a written statement briefly
5 summarizing the result of said conference, insofar as possible
6 settlement is concerned.

7 (4) A pretrial conference shall be held before the court on
8 June 6, 2008, at 10:00 a.m. Pursuant to Civil Local Rule 16-
9 10(b), a joint pretrial statement shall be filed not less than ten
10 (10) days prior to said date. If there is any disagreement as to
11 the wording of the statement, each party may state that party's
12 position in the party's own words. Therefore, the court directs
13 all parties or their counsel to sign the statement and anticipates
14 that it will be confirmed as the pretrial order. (Civil Local Rule
15 16-10(d)).

16 (5) Not less than ten calendar days prior to the date set for
17 trial, the parties shall:

18 (a) serve and file trial briefs;

19 (b) submit a list of the witnesses, including expert
20 witnesses, they intend to present and any Daubert challenges (if
21 not presented they will be deemed waived), the order of
22 presentation, and an estimate of testimony time (both direct and
23 cross), and a brief statement as to the content of the witness'
24 testimony. No witnesses other than those on said list shall be
25 allowed to testify (except upon express order of the court), also
26 with reference to expert witnesses, FRCP Rule 26 will be adhered
27 to and applied;

1 (c) serve and file statements designating excerpts from
2 depositions (specifying the witness and page and line references),
3 from interrogatory answers and from responses to requests for
4 admission to be offered at the trial other than for impeachment or
5 rebuttal;

6 (d) exchange copies of all exhibits to be offered and
7 all schedules, summaries, diagrams and charts to be used at the
8 trial other than for impeachment or rebuttal. Upon request, a
9 party shall make the original or the underlying documents of any
10 exhibit available for inspection and copying. Each proposed
11 exhibit shall be pre-marked for identification in a manner clearly
12 distinguishing plaintiff from defendant, and a list of exhibits
13 shall be prepared by each party.

14 (6) (a) If a jury trial has been demanded, the parties shall
15 not less than ten days before the date set for trial, lodge with
16 the court, in duplicate, proposed voir dire questions, a complete
17 set of proposed jury instructions and verdict form upon which they
18 have agreed, including all standard instructions regarding the
19 role of jurors, organization of the jury, communication with the
20 court, etc. At the same time, each party shall lodge with the
21 court, in duplicate, all proposed jury instructions upon which any
22 other party does not agree, noting the corresponding instruction,
23 if any, being lodged by the other party. Each proposed instruction
24 shall (i) be concise and free from argument; (ii) show the
25 identity of the offering party; (iii) be typewritten in full on
26 separate pages; (iv) be consecutively numbered; and (v) set forth
27 specific citations to supporting authority.

1 (b) If a non-jury trial is requested, each party must
2 submit proposed findings of fact and conclusions of law and form
3 of judgment at least ten days before trial.

4 (7) Each party shall see to it that all depositions are
5 brought to court on the trial date.

6 (8) No provisions of the order may be changed except by order
7 of this court upon its own motion, or upon motion of one or more
8 parties made pursuant to Civil Local Rule 7.

9 (9) Failure to strictly comply fully with each and all
10 provisions of this order will be deemed sufficient grounds to
11 impose sanctions, which may include dismissal of the action,
12 dismissal of cross-complaint, dismissal of defenses, or refusal of
13 testimony of witnesses not listed per 5(b) above.

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15 IT IS SO ORDERED.

16 February 21, 2008

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18 UNITED STATES DISTRICT JUDGE